

## § 1.17

## 37 CFR Ch. I (7–1–08 Edition)

By other than a small entity \$130.00

(q) Examination fee for each application filed on or after December 8, 2004, for an original plant patent:

By a small entity (§1.27(a)) ... \$80.00  
By other than a small entity \$160.00

(r) Examination fee for each application filed on or after December 8, 2004, for the reissue of a patent:

By a small entity (§1.27(a)) ... \$310.00  
By other than a small entity \$620.00

(s) Application size fee for any application under 35 U.S.C. 111 filed on or after December 8, 2004, the specification and drawings of which exceed 100 sheets of paper, for each additional 50 sheets or fraction thereof (see §1.52(f) for applications submitted in whole or in part on an electronic medium):

By a small entity (§1.27(a)) ... \$130.00  
By other than a small entity \$260.00

NOTE TO §1.16: See §§1.445, 1.482 and 1.492 for international application filing and processing fees.

[70 FR 3887, Jan. 27, 2005, as amended at 70 FR 30365, May 26, 2005; 72 FR 46901, Aug. 22, 2007]

### § 1.17 Patent application and reexamination processing fees.

(a) Extension fees pursuant to §1.136(a):

(1) For reply within first month:

By a small entity (§1.27(a))—\$60.00.

By other than a small entity—\$120.00.

(2) For reply within second month:

By a small entity (§1.27(a)) ... \$230.00

By other than a small entity \$460.00

(3) For reply within third month:

By a small entity (§1.27(a)) \$525.00

By other than a small entity ..... \$1,050.00

(4) For reply within fourth month:

By a small entity (§1.27(a)) \$820.00

By other than a small entity ..... \$1,640.00

(5) For reply within fifth month:

By a small entity (§1.27(a)) \$1,115.00

By other than a small entity ..... \$2,230.00

(b) For fees in proceedings before the Board of Patent Appeals and Interferences, see §41.20 of this title.

(c)–(d) [Reserved]

(e) To request continued examination pursuant to §1.114:

By a small entity (§1.27(a)) ... \$405.00

By other than a small entity \$810.00

(f) For filing a petition under one of the following sections which refers to this paragraph: \$400.00

§1.36(a)—for revocation of a power of attorney by fewer than all of the applicants.

§1.53(e)—to accord a filing date.

§1.57(a)—to accord a filing date.

§1.78(d)(1)(vi)—for a continuing application not provided for in §§1.78(d)(1)(i) through (d)(1)(v).

§1.114(g)—for a request for continued examination not provided for in §1.114(f).

§1.182—for decision on a question not specifically provided for.

§1.183—to suspend the rules.

§1.378(e)—for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§1.741(b)—to accord a filing date to an application under §1.740 for extension of a patent term.

(g) For filing a petition under one of the following sections which refers to this paragraph: \$200.00

§1.12—for access to an assignment record.

§1.14—for access to an application.

§1.47—for filing by other than all the inventors or a person not the inventor.

§1.59—for expungement of information.

§1.103(a)—to suspend action in an application.

§1.136(b)—for review of a request for extension of time when the provisions of §1.136(a) are not available.

§1.295—for review of refusal to publish a statutory invention registration.

§1.296—to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§1.377—for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§1.550(c)—for patent owner requests for extension of time in *ex parte* reexamination proceedings.

§1.956—for patent owner requests for extension of time in *inter partes* reexamination proceedings.

## U.S. Patent and Trademark Office, Commerce

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§ 5.12—for expedited handling of a foreign filing license.

§ 5.15—for changing the scope of a license.

§ 5.25—for retroactive license.

(h) For filing a petition under one of the following sections which refers to this paragraph: \$130.00.

§ 1.19(g)—to request documents in a form other than that provided in this part.

§ 1.84—for accepting color drawings or photographs.

§ 1.91—for entry of a model or exhibit.

§ 1.102(d)—to make an application special.

§ 1.138(c)—to expressly abandon an application to avoid publication.

§ 1.313—to withdraw an application from issue.

§ 1.314—to defer issuance of a patent.

(i) Processing fee for taking action under one of the following sections which refers to this

paragraph.....\$130.00.

§ 1.28(c)(3)—for processing a non-itemized fee deficiency based on an error in small entity status.

§ 1.41—for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.

§ 1.48—for correcting inventorship, except in provisional applications.

§ 1.52(d)—for processing a nonprovisional application filed with a specification in a language other than English.

§ 1.53(b)(3)—to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).

§ 1.55—for entry of late priority papers.

§ 1.71(g)(2)—for processing a belated amendment under § 1.71(g).

§ 1.99(e)—for processing a belated submission under § 1.99.

§ 1.103(b)—for requesting limited suspension of action, continued prosecution application for a design patent (§ 1.53(d)).

§ 1.103(c)—for requesting limited suspension of action, request for continued examination (§ 1.114).

§ 1.103(d)—for requesting deferred examination of an application.

§ 1.217—for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.

§ 1.221—for requesting voluntary publication or republication of an application.

§ 1.291(c)(5)—for processing a second or subsequent protest by the same real party in interest.

§ 1.497(d)—for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.

§ 3.81—for a patent to issue to assignee, assignment submitted after payment of the issue fee.

(j) For filing a petition to institute a public use proceeding under § 1.292—\$1,510.00.

(k) For filing a request for expedited examination under § 1.155(a)—\$900.00.

(l) For filing a petition for the revival of an unavoidably abandoned application under 35 U.S.C. 111, 133, 364, or 371, for the unavoidably delayed payment of the issue fee under 35 U.S.C. 151, or for the revival of an unavoidably terminated reexamination proceeding under 35 U.S.C. 133 (§ 1.137(a)):

By a small entity (§ 1.27(a)) ...	\$255.00
By other than a small entity	\$510.00

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a))	\$770.00
By other than a small entity	
ty .....	\$1,540.00

(n) For requesting publication of a statutory invention registration prior to the mailing of the first examiner's action pursuant to § 1.104—\$920.00 reduced by the amount of the application basic filing fee paid.

(o) For requesting publication of a statutory invention registration after the mailing of the first examiner's action pursuant to § 1.104—\$1,840.00 reduced by the amount of the application basic filing fee paid.

## § 1.18

(p) For an information disclosure statement under § 1.97(c) or (d) or a submission under § 1.99: \$180.00.

(q) Processing fee for taking action under one of the following sections which refers to this paragraph—\$50.00

§ 1.41—to supply the name or names of the inventor or inventors after the filing date without a cover sheet as prescribed by § 1.51(c)(1) in a provisional application.

§ 1.48—for correction of inventorship in a provisional application.

§ 1.53(c)(2)—to convert a nonprovisional application filed under § 1.53(b) to a provisional application under § 1.53(c).

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a)) ...	\$405.00
By other than a small entity	\$810.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a)) ...	\$405.00
By other than a small entity	\$810.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78) or for filing a request for the restoration of the right of priority under § 1.452—1,410.00.

[56 FR 65152, Dec. 13, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.17, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## § 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original patent, except a design or plant patent, or for issuing each reissue patent:

By a small entity (§ 1.27(a))	\$720.00
By other than a small entity	\$1,440.00

(b) Issue fee for issuing an original design patent:

By a small entity (§ 1.27(a)) ...	\$410.00
By other than a small entity	\$820.00

(c) Issue fee for issuing an original plant patent:

By a small entity (§ 1.27(a))	\$565.00
By other than a small entity	\$1,130.00

(d)  
Publication fee ..... \$300.00.

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(e) For filing an application for patent term adjustment under § 1.705: \$200.00.

(f) For filing a request for reinstatement of all or part of the term reduced pursuant to § 1.704(b) in an application for patent term adjustment under § 1.705: \$400.00.

[65 FR 49195, Aug. 11, 2000, as amended at 65 FR 56391, Sept. 18, 2000; 65 FR 57053, Sept. 20, 2000; 65 FR 78960, Dec. 18, 2000; 68 FR 41534, July 14, 2003; 69 FR 52606, Aug. 27, 2004; 70 FR 3888, Jan. 27, 2005; 72 FR 46902, Aug. 22, 2007]

## § 1.19 Document supply fees.

The United States Patent and Trademark Office will supply copies of the following patent-related documents upon payment of the fees indicated. Paper copies will be in black and white unless the original document is in color, a color copy is requested and the fee for a color copy is paid.

(a) Uncertified copies of patent application publications and patents:

- (1) Printed copy of the paper portion of a patent application publication or patent, including a design patent, statutory invention registration, or defensive publication document. Service includes preparation of copies by the Office within two to three business days and delivery by United States Postal Service; and preparation of copies by the Office within one business day of receipt and delivery to an Office Box or by electronic means (*e.g.*, facsimile, electronic mail)—\$3.00.
- (2) Printed copy of a plant patent in color: ..... \$15.00.
- (3) Color copy of a patent (other than a plant patent) or statutory invention registration containing a color drawing ..... \$25.00.

(b) Copies of Office documents to be provided in paper, or in electronic form, as determined by the Director (for other patent-related materials see § 1.21(k)):

- (1) Copy of a patent application as filed, or a patent-related file wrapper